

110TH CONGRESS
2D SESSION

H. R. 5766

To amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security the Office of National School Preparedness and Response, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2008

Mr. ETHERIDGE (for himself, Mr. THOMPSON of Mississippi, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. COHEN, Mrs. JONES of Ohio, Mr. HARE, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Ms. CLARKE, Mr. MILLER of North Carolina, Mrs. CAPPS, and Mr. HONDA) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security the Office of National School Preparedness and Response, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Schools Empowered
5 to Respond Act”.

1 **SEC. 2. ESTABLISHMENT OF OFFICE OF NATIONAL SCHOOL**
2 **PREPAREDNESS AND RESPONSE.**

3 (a) IN GENERAL.—Title VII of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
5 adding at the end the following new section:

6 **“SEC. 708. OFFICE OF NATIONAL SCHOOL PREPAREDNESS**
7 **AND RESPONSE.**

8 “(a) ESTABLISHMENT.—There is an Office of Na-
9 tional School Preparedness and Response within the Office
10 of the Secretary of Homeland Security.

11 “(b) DIRECTOR.—The Office of National School Pre-
12 paredness and Response shall be headed by a National Di-
13 rector for School Preparedness and Response (in this sec-
14 tion referred to as the ‘Director’).

15 “(c) RESPONSIBILITIES.—The Director shall have
16 primary responsibility within the Department for the sup-
17 port of statewide, regional, and national efforts to enhance
18 the collective response to acts of terrorism and other nat-
19 ural and man-made disasters at schools, including the fol-
20 lowing:

21 “(1) Serving as the principal advisor to the Sec-
22 retary on the needs of schools and children in re-
23 sponse to emergency situations, including acts of
24 terrorism and other natural and man-made disas-
25 ters, and providing the Secretary with guidance on
26 how to address the role of schools and those who

1 care for children in the National Strategy for Home-
2 land Security.

3 “(2) Ensuring that policies, programs, and ac-
4 tivities in the Department developed for the collec-
5 tive response to terrorism and other emergencies ap-
6 propriately consider the needs of and impact upon
7 schools and children, by facilitating the coordination
8 of relevant agencies of the Department and review-
9 ing departmental policies.

10 “(3) Coordinating with appropriate Federal
11 agencies to enhance the collective response to ter-
12 rorism and other emergencies at State, regional,
13 local, and tribal levels at schools, including the fol-
14 lowing:

15 “(A) Developing initiatives and best prac-
16 tices.

17 “(B) Supporting efforts of local education
18 agencies and other education institutions.

19 “(C) Creating and promoting training ma-
20 terials for elementary, secondary, and post-sec-
21 ondary teachers and school personnel, school re-
22 source officers, and school emergency planning
23 professionals, including current training efforts
24 in the Department.

1 “(D) Coordinating continued collaborations
2 of the Department, including the Safe Schools
3 Initiative.

4 “(4) Creating an Internet clearinghouse, in
5 partnership with other appropriate Federal agencies,
6 that identifies resources available to schools and, as
7 appropriate, includes detailed implementation in-
8 structions or examples. The clearinghouse shall—

9 “(A) incorporate guidance and best prac-
10 tices for the collective response to acts of ter-
11 rorism and natural and man-made disasters,
12 addressing at a minimum—

13 “(i) advance planning;

14 “(ii) training with local law enforce-
15 ment and first responders;

16 “(iii) sheltering and evacuating special
17 needs students; and

18 “(iv) incorporating procedures for
19 continuation of education in the event of
20 extended school closures; and

21 “(B) include a resource to educate and em-
22 power educators, school personnel, students,
23 and parents to know their roles in the collective
24 response to acts of terrorism and natural and

1 man-made disasters, such as that created by
2 the Ready Campaign of the Department.

3 “(5) Monitoring the use of Federal grants with-
4 in the Department and at other Federal agencies
5 that support the collective response to acts of ter-
6 rorism and natural and man-made disasters at
7 schools, and based on such monitoring—

8 “(A) making recommendations to improve
9 the effectiveness of such funding; and

10 “(B) ensuring that grant guidance is clear
11 regarding whether schools are eligible for sup-
12 port or disbursement of funds.

13 “(6) Working with States to support State ef-
14 forts to make school district emergency management
15 plans consistent with federally recommended prac-
16 tices.

17 “(7) Working with volunteer organizations, in-
18 cluding the Citizen Corps, to encourage the involve-
19 ment of schools and the consideration of school
20 needs in planning and execution.

21 “(8) Working with other Department officials
22 to ensure that schools are appropriately categorized
23 within the Critical Infrastructure/Key Resources re-
24 gime.

1 “(9) Working to ensure that schools are appro-
2 priately considered and prioritized in the develop-
3 ment of and recommendations connected with the
4 National Infrastructure Preparedness Plan and the
5 National Response Framework.

6 “(10) Ensuring that education officials have
7 input with the Government Coordinating Council.

8 “(11) Reviewing public awareness programs
9 and screening policies by departmental entities, in-
10 cluding transportation and border security screening,
11 and ensure that such policies consider the needs and
12 well-being of children.

13 “(12) Any additional responsibilities as deter-
14 mined by the Secretary.

15 “(d) REPORT TO CONGRESS.—Not later than one
16 year after the date of the enactment of the Schools Em-
17 powered to Respond Act, and every two years thereafter,
18 the Director shall submit to Congress a report on the ac-
19 tivities of the Office of National School Preparedness and
20 Response and the success of efforts to support the collec-
21 tive response to terrorism and other emergencies at
22 schools.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of such Act is amended by inserting after
25 the item relating to section 707 the following new item:

“Sec. 708. Office of National School Preparedness and Response.”.

1 **SEC. 3. HOMELAND SECURITY GRANTS.**

2 (a) **ELIGIBILITY OF SCHOOLS FOR FUNDING.—**

3 (1) **UASI AND SHSGP.**—Section 2008(a)(8) of
4 the Homeland Security Act of 2002 (6 U.S.C.
5 609(a)(8)) (as amended by the Implementing Rec-
6 ommendations of the 9/11 Commission Act of 2007)
7 is amended to read as follows:

8 “(8) enhancing school preparedness, includ-
9 ing—

10 “(A) the development of school security
11 plans, including emergency preparedness eval-
12 uations and technical assistance;

13 “(B) training and exercises to assist public
14 elementary and secondary schools in developing
15 and implementing programs to instruct stu-
16 dents regarding age-appropriate skills to pre-
17 vent, prepare for, respond to, mitigate against,
18 or recover from an act of terrorism;

19 “(C) staff development days to develop
20 emergency plans and train and drill plans with
21 appropriate staff; and

22 “(D) communications equipment vital for
23 implementation of a school security plan or
24 school transportation security plan.”.

25 (2) **LAW ENFORCEMENT TERRORISM PREVEN-**
26 **TION PROGRAM.**—Section 2006(a)(2) of the Home-

1 land Security Act of 2002 (6 U.S.C. 607(a)(2)) (as
2 amended by the Implementing Recommendations of
3 the 9/11 Commission Act of 2007) is amended by
4 redesignating subparagraphs (H) and (I) as sub-
5 paragraphs (I) and (J), respectively, and by insert-
6 ing after subparagraph (G) the following new sub-
7 paragraph:

8 “(H) training activities consistent with a
9 State homeland security plan, including train-
10 ing that involves officials of State or local gov-
11 ernments or schools;”.

12 (b) PRIORITIZATION OF GRANT PROPOSALS THAT
13 DESCRIBE EFFECT ON SCHOOLS.—Section 2007(a) of the
14 Homeland Security Act of 2002 (6 U.S.C. 608(a)(2)) (as
15 amended by the Implementing Recommendations of the 9/
16 11 Commission Act of 2007) is amended by striking
17 “and” after the semicolon at the end of paragraph (1),
18 by striking the period at the end of paragraph (2) and
19 inserting “; and”, and by adding at the end the following
20 new paragraph:

21 “(3) the extent to which grant proposals de-
22 scribe how the proposed use of a grant by a State
23 or high-risk urban area considers the effect of that
24 use for the collective response to acts of terrorism
25 and other natural and man-made disasters and on

1 the preparedness or utilization of auxiliary facilities
2 and actors, including local education agencies and
3 State education resources.”.

4 **SEC. 4. ENSURING SCHOOLS HAVE A VOICE IN NATIONAL,**
5 **STATE, AND LOCAL HOMELAND SECURITY**
6 **PLANNING.**

7 (a) GENERAL RESPONSIBILITY.—

8 (1) Section 102(c) of the Homeland Security
9 Act of 2002 is amended—

10 (A) by inserting “and through the Office
11 of School Preparedness and Response (estab-
12 lished under section 708)” after “equipment”;
13 and

14 (B) by inserting “with the education sec-
15 tor,” after “authorities,”.

16 (2) Section 102(c)(1) of such Act is amended
17 by inserting “with the education sector,” after “au-
18 thorities,”.

19 (b) AMENDMENTS TO HOMELAND SECURITY PLAN-
20 NING PROVISIONS.—

21 (1) REPRESENTATION OF STATE DEPARTMENTS
22 OF EDUCATION IN STATE HOMELAND SECURITY DE-
23 CISION MAKING.—

24 (A) CONDITION OF RECEIPT OF ASSIST-
25 ANCE.—Section 2002 of the Homeland Security

1 Act of 2002 (6 U.S.C. 603) is amended by add-
2 ing at the end the following:

3 “(d) REPRESENTATION OF STATE DEPARTMENTS OF
4 EDUCATION IN STATE HOMELAND SECURITY DECISION
5 MAKING.—The Secretary shall require, as a condition of
6 receipt of grants to any State under section 2003 and
7 2004, that the State include, in each homeland security
8 decision-making body of the State that has authority to
9 determine how such grants will be used, a representative,
10 selected by the State education authority, who has an un-
11 derstanding of the emergency planning needs of local
12 schools.”.

13 (B) LIMITATION ON APPLICATION.—The
14 amendment made by subparagraph (A) shall
15 apply with respect to grants made with
16 amounts appropriated for fiscal years beginning
17 after the date of the enactment of this Act.

18 (2) SCHOOL RESOURCE OFFICERS ARE EMER-
19 GENCY RESPONSE PROVIDERS.—Section 2(6) of the
20 Homeland Security Act of 2002 (6 U.S.C. 101(6))
21 is amended by inserting “school resource officer,”
22 after “law enforcement,”.

23 (3) SCHOOL OFFICIALS ON STATE GRANT PLAN-
24 NING COMMITTEES.—Section 2021(b)(2)(A) of the
25 Homeland Security Act of 2002 (6 U.S.C.

1 611(b)(2)(A)) is amended by striking “and” after
2 the semicolon at the end of clause (i), by striking the
3 period at the end of clause (ii) and inserting “;
4 and”, and by adding at the end the following new
5 clause:

6 “(iii) school emergency planning offi-
7 cials, which may include representatives of
8 the State education authority, local edu-
9 cation agencies, and universities, and ex-
10 perts in school security and school emer-
11 gency preparedness.”.

12 (4) NATIONAL TRAINING EXERCISES EFFECT
13 ON CHILDREN AND SCHOOLS.—Section 648(b)(2)(A)
14 of the Department of Homeland Security Appropria-
15 tions Act, 2007 (6 U.S.C. 748) is amended by strik-
16 ing “and” after the semicolon at the end of clause
17 (iv), by redesignating clause (v) as clause (vi), and
18 by inserting after clause (iv) the following new
19 clause:

20 “(v) designed to address the unique
21 needs of children in the event of a terrorist
22 attack or other emergency and the impact
23 of the same on schools and education fa-
24 cilities; and”.

1 (5) DHS REPORTING ON GRANT EFFECTIVE-
2 NESS.—Section 652(a)(2)(E) of the Department of
3 Homeland Security Appropriations Act, 2007 (6
4 U.S.C. 752(a)(2)(E)) (as amended by Public Law
5 110–53) is amended by striking “and” after the
6 semicolon at the end of clause (i), by striking the pe-
7 riod at the end of clause (ii) and inserting “; and”,
8 and by adding at the end the following new clause:

9 “(iii) have led to the resiliency of pub-
10 lic institutions, including schools, during
11 and after an act of terrorism or other nat-
12 ural or man-made disaster.”.

13 (6) CONSIDERATION OF EDUCATION OFFICIALS
14 FOR THE NATIONAL ADVISORY COUNCIL.—Section
15 508(c)(1) of the Homeland Security Act of 2002 (6
16 U.S.C. 318(c)(1)) is amended—

17 (A) in subparagraph (A) by inserting “,
18 school resource officers and experts in school
19 emergency preparedness,” after “emergency
20 medical services,”; and

21 (B) in subparagraph (C) by inserting “,
22 the education sector” after “governments,”.

1 **SEC. 5. SENSE OF CONGRESS ON EDUCATION SECTOR FOR**
2 **HOMELAND SECURITY.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) Children spend a significant portion of the
6 day in schools and rely on education institutions for
7 the safety and security throughout the day.

8 (2) School facilities are major public assets in
9 many communities and will be relied upon for shel-
10 ter in-place and other uses during a terrorist or
11 other emergency for children and adults.

12 (b) SENSE OF CONGRESS REGARDING ADOPTION OF
13 VOLUNTARY NATIONAL STANDARDS.—It is the sense of
14 Congress that the Secretary of Homeland Security should
15 promote, where appropriate, the adoption of voluntary na-
16 tional standards in schools to prepare for and enable a
17 collective response to acts of terrorism and other natural
18 and man-made disasters.

19 (c) SENSE OF CONGRESS REGARDING PLANNING.—
20 It is the sense of Congress that to ensure the ability of
21 schools to participate in the collective response to ter-
22 rorism and other emergencies, plans for responding to acts
23 of terrorism and other natural and man-made disasters
24 should include, as appropriate, the following:

25 (1) A risk assessment addressing relative risks
26 for local education authorities, schools, and other

1 education institutions, similar to risk analysis and
2 management for critical asset protection.

3 (2) Detailed school emergency plans, including,
4 as appropriate, the following:

5 (A) District-wide school safety plans, in-
6 cluding policies and procedures for the fol-
7 lowing:

8 (i) Responding to threats, including
9 terrorist threats.

10 (ii) Responding to acts of violence
11 that could arise from terrorism.

12 (iii) Appropriate prevention and inter-
13 vention strategies, such as the following:

14 (I) Training for security per-
15 sonnel, including regarding how to de-
16 escalate potentially violent situations.

17 (II) Conflict resolution.

18 (III) Peer mediation.

19 (IV) Youth courts.

20 (V) Extended day programs.

21 (VI) Contacting law enforcement
22 and first responders.

23 (VII) Contacting parents or
24 guardians.

25 (VIII) School building security.

1 (IX) Dissemination of inform-
2 ative materials regarding early detec-
3 tion of potentially violent behaviors.

4 (X) Annual school safety training
5 for staff and students.

6 (XI) Protocol for responding to
7 bomb threats, hostage taking, intrud-
8 ers and kidnappers.

9 (XII) Developing strategies to
10 improve communication among stu-
11 dents and between students and staff.

12 (XIII) Description of duties of
13 hall monitors and other school safety
14 personnel.

15 (B) Building-level emergency response
16 plans that include the following:

17 (i) Policies and procedures for safe
18 evacuation, including evacuation routes,
19 shelter sites, procedures for addressing
20 medical needs, transportation, and emer-
21 gency notification to parents.

22 (ii) Designation of an emergency re-
23 sponse team.

24 (iii) Access to floor plans, blueprints,
25 and schematics of school interiors and

1 grounds, and road maps of surrounding
2 areas.

3 (iv) An internal and external commu-
4 nication system.

5 (v) Implementation of an incident
6 command system.

7 (vi) Coordination with any State-wide
8 disaster mental health plan.

9 (vii) Procedures to review and conduct
10 of drills and exercises to test components
11 of plans.

12 (viii) Policies and procedures for se-
13 curing and restricting access to crime
14 scene.

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